

Konrad L. Trope, Esq. SBN 133214
Novo Law Group, P.C.
 4631 Teller Avenue, Suite 140
 Newport Beach, California 92660
 (949) 222-0899 (tel)
 (949) 222-0983 (fax)

Attorneys for Plaintiff Pacific Information Resources, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

Pacific Information Resources, Inc., a
 California Corporation,

Plaintiff,

vs.

SIMPLE COMMUNICATIONS, an Alabama
 corporation; WILLIAM TRAVIS SULLIVAN,
 individually, AND DOES 1 through 100,
 inclusive, WHOSE IDENTITIES ARE
 UNKNOWN,

Defendants.

CASE NO. CV-07-4131 MMC

**[Before the Honorable Maxine M.
 Chesney, Courtroom 7]**

**ERRATA TO PLAINTIFF'S
 MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 APPLICATION FOR DEFAULT
 JUDGMENT BY COURT**

[Filed Concurrently with Notice of
 Application and Application for Default
 Judgment by Court, Declaration of Konrad L.
 Trope, Pacific's Request for Judicial Notice
 Declaration of Timothy J. Koster, Declaration
 of Expert Hayden Bond, Declaration of
 Expert Ran Hadas, Ph.D. and [Proposed]
 Order Lodged Concurrently Herewith]

Complaint Filed: August 9, 2007
 Default Entered: October 2, 2007

Hearing Date: April 4, 2008
 Hearing Time: 9:00 a.m.
 Department: 7

1 On or about February 28, 2008 Plaintiff Pacific Information Resources, Inc., a California
2 Corporation ("Plaintiff" or "Pacific") filed its Memorandum of Points and Authorities in Support
3 of Application for Default Judgment by Court. At page 5, line 9 the document stated:

4 "database in a manner so that if and when Defendant Musselman or others tried to
5 copy Plaintiff's"

6 The correct line should read as follows:

7 "database in a manner so that if and when the Airon Defendants or others tried to copy
8 Plaintiff's"

9 Also, the document did not contain a Table of Contents and Table of Authorities. The
10 Tables are attached hereto.

TABLE OF CONTENTS

MEMORANDUM POINTS AND AUTHORITIES	1
I. <u>FACTUAL BACKGROUND/PROCEDURAL HISTORY</u>	1
A. <u>Refusal by Simple Defendants to Comply with DMCA</u>	7
II. <u>LEGAL ANALYSIS</u>	9
A. <u>Prejudice to Plaintiff if Relief is Denied</u>	9
B. <u>Proof of Liability</u>	10
C. <u>Calculation of Damages</u>	11
D. <u>Punitive Damages and Enhanced Damages</u>	12
III. <u>CONCLUSION</u>	13

TABLE OF AUTHORITIES

CASES

<i>Greyhound Exhibitgroup, Inc. v E.L.U.L. Realty Corp.</i> , 973 F.2d 155, 159 (2 nd Cir. 1992)	9
<i>Online Policy Group v. Diebold, Inc.</i> 337 F.Supp.2d 1195 (N.D. Cal. 2004)	10
<i>Sony Computer Ent. America, Inc. v. Divineo, et. al.</i> 457 F.Supp.2d 957 (N.D. Cal. 2006)	10
<i>Transportes Aeros De Angola v Jet Traders Invest. Corp.</i> , 624 F.Supp. 264, 266 (D. Del. 1995)	9
<i>United States v. King Features, Enter., Inc.</i> 843 F.2d 394 (9th Cir. 1988)	12

STATUTES

<i>15 U.S.C. § 1125</i>	11
<i>17 U.S.C. § 1201</i>	8
<i>17 U.S.C. § 501</i>	12
<i>17 U.S.C. § 504</i>	11
<i>17 U.S.C. § 512</i>	7, 10

DATED: February 29, 2008

Respectfully submitted,

NOVO LAW GROUP, P.C.

BY: /s/Konrad L. Trope, Esq.
California State Bar No. 133214
Novo Law Group, P.C.
4631 Teller Avenue, Ste 140
Newport Beach, California 92660
Telephone: (949) 222-0899
Facsimile: (949) 222-0983
E-mail: ktrope@novolaw.com
Attorneys for Plaintiff PACIFIC
INFORMATION RESOURCES,
INC.

PROOF OF SERVICE

I am employed in the County of Orange, State of California in the office of a member of the Bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is: **4631 Teller Avenue, Suite 140, Newport Beach, California 92660.**

On **February 29, 2008**, I served the foregoing document described as:

**ERRATA TO PLAINTIFF'S MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF APPLICATION FOR DEFAULT
JUDGMENT BY COURT**

on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

XX BY MAIL: I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee at the address on the attached Mailing List.

BY FEDEX: I deposited such envelopes at Irvine, California for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices. I am "readily familiar" with the firm's practice of collection and processing packages for overnight delivery by Federal Express. They are deposited with a facility regularly maintained by Federal Express for receipt on the same day in the ordinary course of business.

BY FACSIMILE: I transmitted the foregoing document by facsimile to the party(s) identified above by using the facsimile number(s) indicated. Said transmission(s) were verified as complete and without error.

BY INTERNET/E-MAIL: I transmitted the foregoing document by e-mail to the party(s) identified above by using the Internet Protocol Addresses indicated. Said transmission(s) were verified as complete and without error.

BY INTERNET/E-MAIL WITH CLERK OF THE COURT: I certify that on 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing as indicated on the attached Mailing List.

1 I certify and declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct.

3 Executed on **February 29, 2008** at Irvine, California.

4 /s/
J. Renée Nordyke

SERVICE LIST:

Pacific Information Resources v Simple Communications, et. al.
Case No. C-07-4131 MMC

VIA U.S. MAIL

William Travis Sullivan
4931 Mason Road
Clayton, Washington 99110

Simple Communications
4931 Mason Road
Clayton, Washington 99110

Simple Communications
701 22nd Avenue
Tuscaloosa, Alabama 35401